

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Approved
s/Robert M. Levy
9/28/16

-----X
SHELLNELL PETTIFORD,

: 16 Civ. 03744 (CBA)(RML)

Plaintiff,

: **RULE 26(f) DISCOVERY PLAN**

against -

:

STARBUCKS CORPORATION d/b/a STARBUCKS,
COFFEE COMPANY,

:

Defendant.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 4 - 2016 ★
BROOKLYN OFFICE

Plaintiff Shellnell Pettiford ("Plaintiff") and Starbucks Corporation d/b/a Starbucks Coffee Company ("Defendant") (collectively referred to as "the Parties"), by and through their attorneys, hereby submit their Rule 26(f) Joint Discovery Plan as follows:

On September 22, 2016, counsel for the Parties conferred regarding a Joint Discovery Plan and pursuant to Rule 26(f)(3), report as follows:

A. Rule 26(a)(1) Initial Disclosures

The Parties have exchanged their Initial Disclosures.

B. Subjects of Discovery

Plaintiffs Statement:

Plaintiff, Shellnell Pettiford, alleges that on September 6, 2015, at approximately 8:00 p.m., she slipped and fell on a collection of garbage on an interior step, in the area of the front doors, in the Defendant's retail location at 450 Seventh Avenue, New York, New York, sustaining injuries to her left ankle requiring surgical intervention, and other serious personal injuries. Plaintiff alleges that the Defendant's retail store was negligently owned, operated, controlled or maintained by Defendant. Discovery is needed on the following subjects:

- i. Surveillance video of the interior of the store, including surveillance showing the area of the Plaintiff's accident;
- ii. Discovery concerning Plaintiff's damages and injuries;
- iii. Property maintenance and inspection procedures;
- iv. Prior accidents and complaints at the subject premises;
- v. Documents related to the ownership, operation, control and maintenance of the Defendant's retail property; and
- vi. Copies of all contracts applicable to the property at issue in this litigation, including Lease Agreements and Maintenance Agreements.

Defendant's Statement:

Defendant denies that it was negligent and asserts that it properly maintained the store where the Plaintiff claims the incident occurred. Defendant denies that there was a "collection of garbage" in the area where the Plaintiff fell. Alternatively, if there was a dangerous condition as alleged by the Plaintiff, Defendant did not create the condition or have actual or constructive notice of the condition.

In addition to the items of discovery listed above, Defendant identifies the following areas of discovery:

- i. Discovery related to Plaintiff's prior motor vehicle accidents, including any medical treatment related thereto;
- ii. Discovery as to Plaintiff's employment records and time missed from work; and
- iii. Plaintiff's medical treatment for the injuries claimed herein.

Neither party believes it is necessary to bifurcate discovery.

C. Issues Related to Disclosure, Discovery, or Preservation of Electronically Stored Information

The Plaintiff requests that the Defendant preserve and turn over the surveillance video depicting the area of the Plaintiff's accident, including the occurrence of her accident and the clean up efforts, and 20 hours prior.

Defendant is not aware of any issues related to disclosure or discovery of electronically stored information.

D. Issues Related to Privilege or the Need for a Protective Order

Defendant anticipates that it will be required to produce documents of a proprietary and confidential nature and, therefore, anticipates the need for a Protective Order. Plaintiff disagrees that a Protective Order will be necessary.

E. Changes to Discovery Limitations

Neither party believes that any changes to the limitations on discovery in the Federal Rules of Civil Procedure are necessary at the present time.

F. Other Orders

Neither party believes that any additional orders are necessary at the present time.

G. Proposed Discovery Schedule

The Parties further conferred about the time necessary to complete discovery and propose the following:

1. Service of the first round of document requests, interrogatories, and requests for admissions will be made on or before October 28, 2016. Written responses to the initial round of discovery requests to be served by November 30, 2016.
2. The deadline for joining additional parties and amending pleadings will be December 30, 2016.

3. The deadline to complete fact discovery, including depositions, will be February 28, 2017.
4. Plaintiff's expert reports due on March 31, 2017.
5. Defendant's expert reports due on April 28, 2017.
6. Expert discovery to be completed by May 31, 2017.
7. A Pre-Trial Conference will be held on _____.
8. The trial schedule will be determined by the Court.

Dated: New York, New York
September 26, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on September , 2016, a copy of the foregoing Rule 26(f) Discovery Plan was filed electronically. Notice of this filing will be sent by e-mail to all parties at the addresses listed below by operation of the Court's electronic filing system on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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